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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION NO.275 OF 2007

IN

WRIT PETITION NO.1762 OF 1999

Bombay Environmental Action Group	...	Petitioners
Vs.		
Municipal Corporation of Greater Mumbai & Ors.	...	Respondents
And		
The Controller of Rationing, Food & Civil Supplies & Consumer Protection Department.	...	Applicants

Mr. S.K. Nair for the Applicants.

Mr. K.K. Singhvi, Sr. Advocate with Ms. Priti Purandare for Respondent-B.M.C.

Mr. Shiraz Rustomjee i/b M/s. Hariani & Co. for the Petitioners.

CORAM : SWATANTER KUMAR, C.J. &
SMT. RANJANA DESAI, J.

DATED : JULY 04, 2007.

P.C.:-

1. Having heard the learned counsel appearing for the parties and keeping in view the various orders which have been passed

earlier by different Benches of this court in the connected Writ Petition, we are not inclined to accept the prayer made by the State in the present case but at the same time, we cannot ignore the fact that the 31 vehicles which are sponsored by the Central Government to the State Government for providing ration under the Public Distribution System to the poorer section of the Society, are more than 8 years' old and is causing serious air pollution.

2. The learned counsel appearing for the Applicants-State submits that the vehicles could be permitted to be plied on the roads in the city of Bombay for a period of 15 years, particularly when they only ply 1 K.M. or 2 K.M. per day. However, it is contended by the learned counsel appearing for the Petitioners that all his contentions were considered by different Benches of this court and directions were issued for phasing out these vehicles.

3. In the circumstances, we would prefer to pass this order which is in conformity with the view taken by earlier Benches. Having regard to the peculiar facts and circumstances of the case and in the larger public interest, we allow these vehicles to ply on the roads in the city of Bombay within the limited miles for another

period of two years from today. In this period of two years, all these vehicles should be phased out and at the option of the State, they may be sent outside the city of Bombay or may be used for any other purposes but for plying on the roads of Bombay city. The State shall replace these vehicles to avoid any prejudice to the poorer section of the Society for whose benefit these vehicles are run. Thus, we direct that these 31 vehicles should be replaced by vehicles which are come on CNG or any satisfying parameters of EURO-III within a period of two years from today. With these directions, the Notice of Motion is made absolute and is disposed of.

4. The Writ Petition and other connected Notices of Motion are adjourned to 18/7/2007.

[CHIEF JUSTICE]

[SMT. RANJANA DESAI, J.]